SINGLE BENCH

CT- 3200/-

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

W.P. (S) No. 1856 /2006

PETITIONERS : 1) Paikhan Lal Kaushal, S/o Shri Agar Das Kaushal, aged about 45 years, R/o Mohbhatta Road, Bemetara Distt. – Durg.

2) Dukhit Ram Rao, S/o Shri Bhagwan Singh Rao, Govt. Primary School, Hathmuri.

3) Suresh Kumar Thakur, S/o Shri Jughu Ram Thakur, Pre Middle School, Chirha.

4) Ashok Kumar Gandharva, S/o Shri Ram Khilavan Gandharva, Higher Secondary School, Chirha.

5) Smt. Sarita Sharma, D/o Shri Shatruhan Prasad Sharma, Suman Govt. Girls Pre Middle School, Devarbija.

6) Arjun Sigh Rajput, S/o Shri Bhushan Singh Rajput, Govt. Pre Middle School, Jevra.

7) Ram Swarup Thakur, Govt. Primary School, Dewargaon/Kutru.

8) Hridey Das Veshnav, S/o Ambika Das Veshnav, Govt. Primary School, Hedaspur, P.O. Karesra.

9) Panchuram Markhande, S/o Shri Konda Ram Markhande, Higher Secondary School, Khandsara.

P.R. No. 4880/06 Presented by Avinash Pandey 21/9/06

10) Suresh Kumar Thakur, S/o Shri Garun Singh Thakur, Govt. Girls Primary School, Jevra, P.O. Jevra.

11) Johan Lal Purena, S/o Shri Lakhan Lal Purena, Govt. Primary School, Damhai Dih P.O. Darhi.

12) Sonu Das Patil, S/o Shri Bhushandas Patil, Govt. Pre Middle School, Charbhata, P.O. Jhal.

13) Puran Das Lehre, S/o Shri Chetan Das Lehre, Govt. Girls High School, Navagarh.

14) Niti Bhushan Tiwari, S/o Shri Chadra Bhan Tiwari, Govt. Primary School Kosa, P.O. Pendritarai.

15) Durga Shankar Chaturvedi, S/o Shri Prem Narayan Chaturvedi, Govt. Primary School, Murpar.

16) Shatruhan Ram Prajapati, S/o Shri Grendu Ram Prajapati, Govt. Pre Middle School, Kehka.

17) Latmar Ram Kaushik, S/o Shri Ram Lal Kaushik, Govt. Primary School, Kehka.

18) Raghunath Singh Verma, S/o Shri Rukham Singh Verma, Govt. Primary School, Birampur.

19) Kedar Nath Sahu, S/o Shri Topiram Sahu, Govt. Primary School, Navkesha, P.O. Sahaspur.

20) Shankar Singh Kshatri, S/o Ram Chand Kshatri, Pre Middle School, Bhansuli.

21) Lal Das Daharia, S/o Ram Charan Daharia, Pre Middle School, Mohbhatta.

22) Jhumukdas Goswami, S/o Shri Nam Das Goswami, Primary School Chechanmeta.

23) Kanhiya Lal Dewangan, S/o Shri Sarha Ram Dewangan, Primary School Kamkawara.

24) Sushil Kumar Thakur, S/o Shri Gulab Singh Thakur, Primary School, Kala.

25) Pratap Das Manikpuri, S/o Shri Jhanak Das Manikpuri, Primary School Pathri Kala.

26) Dashrath Lal Kunjam, S/o Shri Dashrath Lal Kunjam, Pre Middle School, Garadih.

27) Shobhnath Rajak, S/o Shri Bharat Singh Rajak, Primary School, Lal Pur.

28) Ram Gulal Bharti, S/o Shri Birjhuram Bharti, High School, Lejwara.

29) Jagmohan Singh Verma, S/o Rama Singh Verma, Primary School, Kewanchi.

30) Gajendra Dehre, S/o Shri Jugul Das Dehre, Pre Middle School, Khandsara.

31) Gos Mohd. Quereshi, S/o Shri Ishak Noh Quereshi, Pre Middle School, Kusmi.

32) Ghanshyam Prasad Sahu, S/o Shri Faguva Ram Sahu, Primary School, Kirki.

VERSUS

RESPONDENTS : 1) State of Chhattisgarh through the Secretary, School

Education Dept., D.K.S.
Bhavan, Raipur (C.G.)
2) Distt. Education Officer,
Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

The humble petitioners abovenamed most respectfully begs to submit that:

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 4856 of 2006

Petitioners : Paikhan Lal Kaushal & others

-Versus-

Respondents : State of Chhattisgarh & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Shri P. S. Koshy, Advocate for the petitioners.
Shri V. V. S. Murthy, Deputy Advocate General for the respondents.

ORDER

(Passed on this 8th day of March, 2007)

1. The petitioners were appointed as Assistant Teacher on fixed pay of Rs. 150/- in the year 1982. After completion of two year's probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in W. P. (s) 5976 of 2006 (Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others), which was allowed vide order dated 7th November, 2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur